

## **REMARKS**

Applicant respectfully requests entry of the following amendments and remarks in response to the Office Action mailed October 6, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 21, 22, 24, 26 – 29, 31, 33, 35 – 37, 39 – 42, and 44 – 47 are pending. In particular, Applicant adds claim 47, amends claims 21, 28, 33, and 35 – 36, and cancels claim 34. Applicant cancels claim 34 without prejudice, waiver, or disclaimer. Applicant reserves the right to pursue the canceled subject matter in a continuation application and does not intend to dedicate this subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Garg spent with Applicant's Attorney, Anthony Bonner, during a telephone discussion on December 9, 2008 regarding the outstanding Office Action. During that conversation, Examiner Garg and Mr. Bonner discussed potential arguments and amendments with regard to claim 21, in view of *Minte*. The general thrust of the potential principal arguments included a discussion of at least one embodiment of the present application disclosing "maintaining a log for each record retrieval event for each record, wherein the data associated with the log is made available to the advertiser as a market saturation indicator." Thus, Applicant respectfully requests that Examiner Garg carefully consider this response and the amendments.

### **II. Rejections Under 35 U.S.C. §103**

**A. Claim 21 is Allowable Over *Minte* in view of *Speicher* further in view of *Eckel***

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0046118 ("*Minte*") in view of U.S. Patent Number 6,697,786 ("*Speicher*") further in view of U.S. Patent Publication Number 2007/0124165 ("*Eckel*"). Applicant respectfully traverses this rejection for at least the reason that *Minte* in view of *Speicher* further in view of *Eckel* fails to disclose, teach, or suggest all of the elements of claim 21. More specifically, claim 21 recites:

A system for communicating information about an advertisement, comprising:

logic in an advertisement content server configured to receive advertisement information associated with a plurality of advertisers;

logic in the advertisement content server configured to store the information as records within defined fields;

logic in the advertisement content server configured to provide, to a user, a search window that includes a plurality of search fields, the plurality of search fields configured to receive user-defined search criteria, the plurality of search fields including a first search field configured to facilitate a search of a predetermined first criteria, the first criteria being about the advertisement, the advertisement being broadcast by a broadcast media outlet, the plurality of search fields including a second search field configured to facilitate a search of a predetermined second criteria, the second criteria being about the user, the plurality of search fields including a key field configured to facilitate a search across the first search field and the second search field;

logic in the advertisement content server configured to receive a search request from the user, the search request including at least one first term associated with the first criteria and at least one second term associated with the second criteria;

logic in the advertisement content server configured to perform a search function according to the at least one search term;

logic in the advertisement content server configured to compare the at least one first term with the at least one second term to provide the user with a limited set of media outlets to determine a source of the advertisement;

logic in the advertisement content server configured to transmit to the user at least a portion of information resulting from the search function; and

***logic in the advertisement content server configured to maintain a log for each record retrieval event for each record,***

***wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet.***  
(Emphasis added).

Applicant respectfully submits that claim 21, as amended, is allowable over the cited art for at least the reason that *Minte*, *Speicher*, and *Eckel*, taken alone or in combination, fail to disclose, teach or suggest a "system for communicating information about an advertisement, the advertisement being broadcast by a broadcast media outlet, the system comprising... ***logic in the advertisement content server configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***" as recited in claim 21, as amended. More specifically, *Minte* discloses "monitoring [a] consumer's choices and web-browser selections after the consumer has accessed the extended advertising content; providing statistical data or an accounting of the monitoring; and reporting the accounting to each subscribing-advertiser or party of the first medium who has contracted for the report" (page 3, paragraph [0031]). However, *Minte* fails to disclose "***logic in the advertisement content server configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***" as recited in claim 21, as amended.

Additionally, *Speicher* fails to overcome the deficiencies of *Minte*. More specifically, *Speicher* discloses "the integration of an audiotex system and a web server... to allow[] individuals to place a personal advertisement in the form of a digital audio recording that can be listened to and responded to by other individuals calling the audiotex system" (column 4, line 17). However, *Speicher* fails to suggest "***logic in the advertisement content server configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that***

***broadcast the advertisement to determine popularity of the broadcast media outlet*** as recited in claim 21, as amended.

Further, *Eckel* fails to overcome the deficiencies of *Minte* and *Speicher*. More specifically, *Eckel* discloses a “name linking policy which allows a consumer to use an extremely simple and intuitive approach to requesting desired goods and services” (page 2, paragraph [0011]). However, *Eckel* fails to disclose ***“logic in the advertisement content server configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet”*** as recited in claim 21, as amended. For at least these reasons, claim 21, as amended, is allowable.

**B. Claim 28 is Allowable Over *Minte* in view of *Speicher* further in view of *Eckel***

The Office Action indicates that claim 28 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0046118 (“*Minte*”) in view of U.S. Patent Number 6,697,786 (“*Speicher*”) further in view of U.S. Patent Publication Number 2007/0124165 (“*Eckel*”). Applicant respectfully traverses this rejection for at least the reason that *Minte* in view of *Speicher* further in view of *Eckel* fails to disclose, teach, or suggest all of the elements of claim 28. More specifically, claim 28 recites:

A method for communicating information about an advertisement, comprising:  
receiving, by a computing device, advertisement information associated with a plurality of advertisers;  
storing, by a computing device, the information as records within defined fields;  
providing, by a computing device, to a user, a search window that includes a plurality of search fields, the plurality of search fields configured to receive user-defined search criteria, the plurality of search fields including a first search field configured to facilitate a search of a predetermined first criteria, the first criteria being about the advertisement, the advertisement being

broadcast by a broadcast media outlet, the plurality of search fields including a second search field configured to facilitate a search of a predetermined second criteria, the second criteria being about the user, the plurality of search fields including a key field configured to facilitate a search across the first search field and the second search field;

receiving, by a computing device, a search request from the user, the search request including at least one first term associated with the first criteria and at least one second term associated with the second criteria;

performing a search function, by a computing device, according to the at least one search term;

comparing, by a computing device, the at least one first term with the at least one second term to provide the user with a limited set of media outlets to determine a source of the advertisement;

transmitting, by the computing device, at least a portion of information resulting from the search function to the user; and

***maintaining a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet.***

***(Emphasis added).***

Applicant respectfully submits that claim 28, as amended, is allowable over the cited art for at least the reason that *Minte*, *Speicher*, and *Eckel*, taken alone or in combination, fail to disclose, teach or suggest a “method for communicating information about an advertisement, the advertisement being broadcast by a broadcast media outlet, the method comprising... ***maintaining a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***” as recited in claim 28, as amended. More specifically, *Minte* discloses “monitoring [a] consumer’s choices and web-browser selections after the consumer has accessed the extended advertising content; providing statistical data or an accounting of the monitoring; and reporting the accounting to each subscribing-advertiser or party of the first medium who has contracted for the report” (page 3, paragraph [0031]). However, *Minte* fails to disclose “***maintaining a log for each record retrieval event for each record, wherein the data associated with the log is made***

**available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet"** as recited in claim 28, as amended.

Additionally, *Speicher* fails to overcome the deficiencies of *Minte*. More specifically, *Speicher* discloses "the integration of an audiotex system and a web server... to allow[] individuals to place a personal advertisement in the form of a digital audio recording that can be listened to and responded to by other individuals calling the audiotex system" (column 4, line 17). However, *Speicher* fails to suggest "***maintaining a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***" as recited in claim 28, as amended.

Further, *Eckel* fails to overcome the deficiencies of *Minte* and *Speicher*. More specifically, *Eckel* discloses a "name linking policy which allows a consumer to use an extremely simple and intuitive approach to requesting desired goods and services" (page 2, paragraph [0011]). However, *Eckel* fails to disclose "***maintaining a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***" as recited in claim 28, as amended. For at least these reasons, claim 28, as amended, is allowable.

**C. Claim 35 is Allowable Over *Minte* in view of *Speicher* further in view of *Eckel***

The Office Action indicates that claim 35 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0046118 ("*Minte*") in view of U.S. Patent Number 6,697,786 ("*Speicher*") further in view of U.S. Patent Publication Number 2007/0124165 ("*Eckel*"). Applicant respectfully traverses this rejection for at least the

reason that *Minte* in view of *Speicher* further in view of *Eckel* fails to disclose, teach, or suggest all of the elements of claim 35. More specifically, claim 35 recites:

A computer readable medium for communicating information about an advertisement, comprising:

logic at a computing device configured to instruct a programmable device to receive advertisement information associated with a plurality of advertisers;

logic executable by the computing device configured to instruct a programmable device to store the information as records within defined fields;

logic executable by the computing device configured to instruct a programmable device to provide, to a user, a search window that includes a plurality of search fields, the plurality of search fields configured to receive user-defined search criteria, the plurality of search fields including a first search field configured to facilitate a search of a predetermined first criteria, the first criteria being about the advertisement, the advertisement being broadcast by a broadcast media outlet, the plurality of search fields including a second search field configured to facilitate a search of a predetermined second criteria, the second criteria being criteria about the user, the plurality of search fields including a key field configured to facilitate a search across the first search field and the second search field;

logic executable by the computing device configured to instruct a programmable device to receive a search request, the search request including at least one first term associated with the first criteria and at least one second term associated with the second criteria;

logic executable by the computing device configured to instruct a programmable device to perform a search function according to the received terms;

logic executable by the computing device configured to instruct a programmable device to compare, the at least one first term with the at least one second term to provide the user with a limited set of media outlets to determine a source of the advertisement;

logic executable by the computing device configured to instruct a programmable device to transmit to the user at least a portion of information resulting from the search function; and

***logic executable by the computing device configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet.***

***(Emphasis added).***

Applicant respectfully submits that claim 35, as amended, is allowable over the cited art for at least the reason that *Minte*, *Speicher*, and *Eckel*, taken alone or in combination, fail to disclose, teach or suggest a “computer readable medium for communicating information about an advertisement, the advertisement being broadcast by a broadcast media outlet, the computer readable medium comprising... ***logic executable by the computing device configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***” as recited in claim 35, as amended. More specifically, *Minte* discloses “monitoring [a] consumer’s choices and web-browser selections after the consumer has accessed the extended advertising content; providing statistical data or an accounting of the monitoring; and reporting the accounting to each subscribing-advertiser or party of the first medium who has contracted for the report” (page 3, paragraph [0031]). However, *Minte* fails to disclose “***logic executable by the computing device configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet***” as recited in claim 35, as amended.

Additionally, *Speicher* fails to overcome the deficiencies of *Minte*. More specifically, *Speicher* discloses “the integration of an audiotex system and a web server... to allow[] individuals to place a personal advertisement in the form of a digital audio recording that can be listened to and responded to by other individuals calling the audiotex system” (column 4, line 17). However, *Speicher* fails to suggest “***logic executable by the computing device configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that***



**broadcast the advertisement to determine popularity of the broadcast media outlet”** as recited in claim 35, as amended.

Further, *Eckel* fails to overcome the deficiencies of *Minte* and *Speicher*. More specifically, *Eckel* discloses a “name linking policy which allows a consumer to use an extremely simple and intuitive approach to requesting desired goods and services” (page 2, paragraph [0011]). However, *Eckel* fails to disclose **“logic executable by the computing device configured to maintain a log for each record retrieval event for each record, wherein the data associated with the log is made available to the broadcast media outlet that broadcast the advertisement to determine popularity of the broadcast media outlet”** as recited in claim 35, as amended. For at least these reasons, claim 35, as amended, is allowable.

**D. Claims 22, 24, 26 – 27, 29, 31, 33, 36 – 37, 39 – 40, 41 – 42, and 44 – 46 are Allowable Over *Minte* in view of *Speicher* further in view of *Eckel***

The Office Action indicates that claims 22, 24, 26 – 27, 29, 31, 33, 36 – 37, 39 – 40, 41 – 42, and 44 – 46 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0046118 (“*Minte*”) in view of U.S. Patent Number 6,697,786 (“*Speicher*”) further in view of U.S. Patent Publication Number 2007/0124165 (“*Eckel*”). Applicant respectfully traverses this rejection for at least the reason that *Minte* in view of *Speicher* further in view of *Eckel* fails to disclose, teach, or suggest all of the elements of claims 22, 24, 26 – 27, 29, 31, 33, 36 – 37, 39 – 40, 41 – 42, and 44 – 46. More specifically, dependent claims 22, 24, 26 – 27, 41 – 42, and 46 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 21. Dependent claims 29, 31, 33, and 44 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 28. Further, dependent claims 36 – 37, 39 – 40, and 45 are believed to be allowable for at least the reason

that they depend from and include the elements of allowable independent claim 35. Because *Speicher* and *Eckel* fail to overcome the deficiencies of *Minte*, claims 22, 24, 26 – 27, 29, 31, 33 – 34, 36 – 37, 39 – 40, 41 – 42, and 44 – 46 are allowable as a matter of law. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**E. Claims 26, 33, and 39 are Allowable Over *Minte* in view of *Speicher* in view of *Eckel* further in view of *Stein***

The Office Action indicates that claims 26, 33, and 39 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2002/0046118 ("*Minte*") in view of U.S. Patent Number 6,697,786 ("*Speicher*") in view of U.S. Patent Publication Number 2007/0124165 ("*Eckel*") further in view of U.S. Patent Number 5,826,241 ("*Stein*"). Applicant respectfully traverses this rejection for at least the reason that *Minte* in view of *Speicher* in view of *Eckel* further in view of *Stein* fails to disclose, teach, or suggest all of the elements of claims 26, 33, and 39. More specifically, dependent claim 26 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 21. Dependent claim 33 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 28. Further, dependent claim 39 is believed to be allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 35. Because *Stein* fails to overcome the deficiencies of *Minte*, *Speicher*, and *Eckel*, claims 26, 33, and 39 are allowable as a matter of law. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**III. New Claim 47 is Allowable**

In addition, Applicant adds new claim 47. New claim 47 is allowable as a matter of law for at least the reason that this claim depends from allowable independent claim 21. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002). Support for this claim may be found, among other places, on page 11, paragraph [0032].

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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